

RECEIVED  
CENTRAL FAX CENTER

DEC 18 2006

**Howard Eisenberg, Esq.**

PATENT ATTORNEY

2206 Applewood Court

Perkasie, Pennsylvania 18944

(215) 453-9237

Fax: (215) 701-0803

patents@howardeisenberg.com

**FAX COVER SHEET**

FAX NUMBER TRANSMITTED TO: (571) 273-8300

To: US Patent and Trademark Office  
Art Unit: 1617  
Examiner: Ramachandran, Umamaheswari  
Serial No.: 10/690,169  
Inventor(s): R. Kent Hermsmeyer  
Title: ESTROGEN BETA RECEPTOR AGONISTS TO PREVENT OR  
REDUCE THE SEVERITY OF CARDIOVASCULAR DISEASE  
Filed: October 21, 2003  
From: Howard Eisenberg  
Atty Docket No.: HME/7961.0013  
Date: December 18, 2006

| DOCUMENTS                               | NUMBER OF PAGES* |
|---|------------------|
| Transmittal Form                        | One              |
| Fee Transmittal Form                    | One              |
| Response to Requirement for Restriction | Two              |

\* NOT COUNTING COVER SHEET. IF YOU DO NOT RECEIVE ALL PAGES, PLEASE TELEPHONE US  
IMMEDIATELY AT (215) 453-9237.

RECEIVED  
CENTRAL FAX CENTER

002/005

DEC 18 2006

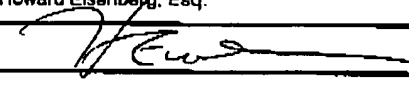
PTO/SB/21 (09-06)

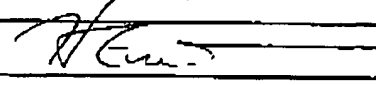
Approved for use through 03/31/2007. OMB 0651-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|   |                      |                            |               |
|---|----------------------|----------------------------|---------------|
| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number   | 10/690,168                 |               |
|   | Filing Date          | October 21, 2003           |               |
|   | First Named Inventor | R. Kent Hermesmyer         |               |
|   | Art Unit             | 1617                       |               |
|   | Examiner Name        | Ramachandran, Umamaheswari |               |
| Total Number of Pages In This Submission  | 4                    | Attorney Docket Number     | HME/7961.0013 |

| ENCLOSURES (Check all that apply)  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks  |  |  |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |          |        |
|--|---|----------|--------|
| Firm Name                                  | Howard Eisenberg, Esq.  |          |        |
| Signature                                  |  |          |        |
| Printed name                               | Howard Eisenberg  |          |        |
| Date                                       | December 18, 2006   | Reg. No. | 36,789 |

| CERTIFICATE OF TRANSMISSION/MAILING   |   |      |                   |
|---|---|------|-------------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: |   |      |                   |
| Signature   |  |      |                   |
| Typed or printed name   | Howard Eisenberg  | Date | December 18, 2006 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/17 (07-06)

Approved for use through 01/31/2007. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|   |  |   |  |
|---|--|---|--|
| Effective on 12/09/2004.<br>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).<br><b>FEE TRANSMITTAL</b><br><b>For FY 2006</b> |  | <b>Complete if Known</b><br>Application Number 10/690,169<br>Filing Date October 21, 2003<br>First Named Inventor R. Kent Hermismeyer<br>Examiner Name Ramachandran, Umamaheswari<br>Art Unit 1617<br>Attorney Docket No. HME/7961.0013 |  |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27   |  | RECEIVED<br>CENTRAL FAX CENTER<br>DEC 18 2006   |  |
| TOTAL AMOUNT OF PAYMENT (\$) 0  |  |   |  |

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☒ None ☐ Other (please identify): \_\_\_\_\_  
☐ Deposit Account Deposit Account Number: 50-1773 Deposit Account Name: \_\_\_\_\_  
 For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)  
☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

## 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) |                |
| Utility          | 300         | 150                   | 500         | 250                   | 200              | 100                   |                |
| Design           | 200         | 100                   | 100         | 50                    | 130              | 65                    |                |
| Plant            | 200         | 100                   | 300         | 150                   | 160              | 80                    |                |
| Reissue          | 300         | 150                   | 500         | 250                   | 600              | 300                   |                |
| Provisional      | 200         | 100                   | 0           | 0                     | 0                | 0                     |                |

## 2. EXCESS CLAIM FEES

| Fee Description  | Fee (\$)             | Small Entity Fee (\$) |
|--|----------------------|-----------------------|
| Each claim over 20 (including Reissues)                                | 50                   | 25                    |
| Each independent claim over 3 (including Reissues)                     | 200                  | 100                   |
| Multiple dependent claims  | 360                  | 180                   |
| <b>Total Claims</b>  | <b>Extra Claims</b>  | <b>Fee (\$)</b>       |
| 23 - 20 or HP = 0  | 25                   | 0                     |
| HP = highest number of total claims paid for, if greater than 20.      |                      |                       |
| <b>Indep. Claims</b>   | <b>Extra Claims</b>  | <b>Fee (\$)</b>       |
| 2 - 3 or HP = 0  | 100                  | 0                     |
| HP = highest number of independent claims paid for, if greater than 3. |                      |                       |
| <b>Multiple Dependent Claims</b>                                       |                      |                       |
| <b>Fee (\$)</b>  | <b>Fee Paid (\$)</b> |                       |

## 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|--|----------|---------------|
| 100          | 0            | 0  | 0        | 0             |

## 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge):

|                                    |  |                          |
|------------------------------------|--|--------------------------|
| SUBMITTED BY                       |  |                          |
| Signature                          | Registration No. (Attorney/Agent) 36,789 | Telephone (215) 453-9237 |
| Name (Print/Type) Howard Eisenberg | Date December 18, 2006                   |                          |

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED  
CENTRAL FAX CENTER

DEC 18 2006

Atty Doc. No. HME/7961.0013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**PATENT APPLICATION EXAMINING OPERATIONS**

In re the Application of :  
R. Kent Hermsmeyer : Group Art Unit: 1617  
Serial No. 10/690,169 : Examiner: Ramachandran, Umamaheswari  
Filed: October 21, 2003 : Date: December 18, 2006  
For a Patent for :  
ESTROGEN BETA RECEPTOR AGONISTS  
TO PREVENT OR REDUCE THE SEVERITY  
OF CARDIOVASCULAR DISEASE

**RESPONSE TO REQUIREMENT FOR RESTRICTION UNDER 37 CFR §1.143**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits the following in response to the Requirement for Restriction that was mailed on December 1, 2006.

In the Requirement for Restriction, the Examiner divided the claims into two groups, as follows:

Group I = claims 1-16, drawn to a method for treatment, and

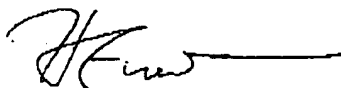
Group II = claims 17-23, drawn to a kit.

Applicant hereby elects for present prosecution the claims of Group I, claims 1-16, drawn to a method for treatment.

The Examiner has also indicated that, in the event that Applicant elects Group I, Applicant must further elect a single species of those listed in claim 12, incorrectly stated in the Requirement for Restriction as claim 11, from among estrogen, androgen, and progestin. Applicant hereby elects progestin. It is noted that claims 1 and 11 are generic claims from which claim 12 depends. Applicant hereby elects progestin as the species.

Applicant submits that the elected claims are in condition for allowance and requests an early notice to that effect.

Respectfully submitted,

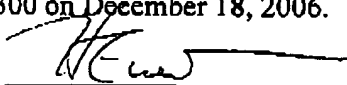


Howard M. Eisenberg  
Reg. No. 36,789  
2206 Applewood Court  
Perkasie, PA 18944  
Attorney for Applicants  
Tel: (215) 453-9237

#### CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being deposited by facsimile transmission to the Patent and Trademark Office at (571) 273-8300 on December 18, 2006.

Dated: December 18, 2006



Howard M. Eisenberg